

Appl. No. 10/631,016
In re HUSSAINI, et al.
Reply to Office Action of Jan. 11, 2007

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated January 11, 2007. This amendment and request for reconsideration is intended to be fully responsive thereto.

The title of the invention has been amended to correct minor informality and better conform to current U.S. practice. No new matter has been added.

Claims 2, 13, 14 and 23 are amended to correct minor inconsistencies. No new matter has been added. It is respectfully submitted that these amendments are not intended to affect the substantive scope of the claims.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 5190258) in view of Meisner et al. (US 5675426). The applicant respectfully disagrees.

Regarding claim 1: The examiner erroneously alleges that Yu discloses a portable electronic device (such as a laptop computer, DVD player, or video game). In reality, Yu discloses a multimedia personal computer includes a keyboard 10 and a monitor 11 with a display screen 12 mounted on an amplifier 13 of an audio system (see column 2, lines 47-50). Moreover, those skilled in the art would readily realize that the amplifier 13 is in fact an electronic processing unit

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of the desk top personal computer (see Fig. 1 of Yu), which is not defined in the art as portable.

Furthermore, the examiner erroneously interpreted (confusingly enough) the support structure of the amplifier (the electronic processing unit) 13 of Yu as a single common backing panel, while the electronics of the amplifier 13 were interpreted as a base unit. Claim 1 recites the base unit rotatably mounted to the backing panel. Clearly, those skilled in the art would not possibly interpret the electronics of the amplifier 13 as rotatably mounted to the support structure of the amplifier 13.

Moreover, those skilled in the art would interpret the amplifier 13 as the electronic device with which the audio accessory system (speakers 15, 15A) is used, not as both a backing panel and a base unit of the audio accessory system. The word “accessory” is defined in the art as “assisting as a subordinate; aiding or contributing in a secondary way”. Thus, the amplifier 13, which is clearly the major part of the multimedia personal computer of Yu, cannot possibly be a part of the audio accessory system. In addition, as disclosed by Yu, the right and left speakers 15 and 15A are mounted on respective right and left articulated support assemblies 16 and 16A in accordance with Yu, not to a single common backing panel, as recited in claim 1.

Also, the examiner alleges that the electronics of the amplifier 13 (erroneously interpreted by the examiner as the base unit) has at least one plug-in device (the examiner refers to column 2 lines 55-56 of Yu, input and output terminals) to communicate with the portable electronic device. As argued above, those skilled in the art would interpret the amplifier 13 as the electronic device with which the audio accessory system (speakers 15, 15A) is used, not as the base of the

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audio accessory system. Thus, the audio input and speaker output terminals on the rear panel 19 of the amplifier 13 of Yu are provided not on the base of the audio accessory system, but on the electronic device (the multimedia personal computer) of Yu which includes the amplifier 13.

Moreover, claim 1 recites the base unit having at least one plug-in device to communicate with the portable electronic device. Contrary to the examiner's allegations, those skilled in the art would readily understand that the audio input and speaker output terminals (not visible) on the rear panel 19 of the amplifier 13 of Yu are not provided to communicate with the portable electronic device, as the multimedia personal computer of Yu already includes the amplifier 13. Clearly, the audio input and speaker output terminals are provided to communicate with the speakers 15, 15A.

Therefore, for these reasons alone, the rejection of claim 1 under 35 U.S.C. 103(a) over Yu and Meisner is improper.

The examiner concedes that Yu does not expressly disclose a base unit being rotatably mounted to a backing panel.

The examiner further cites the patent Meisner disclosing a television or computer monitor (cabinet) 10 and right and left sets of speakers rotatably mounted to the cabinet 10.

The examiner erroneously interprets the monitor (cabinet) 10 as a single common backing panel (as recited in claim 1), and a stand 11 of the monitor (cabinet) 10 as a base unit of the audio accessory system. Those skilled in the art would readily realize that the monitor (cabinet) 10 is not a backing panel of the audio accessory system, but a main component of the electronic device

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of Meisner, which is not defined in the art as portable. Moreover, the stand 11 of the monitor (cabinet) 10 cannot be interpreted as a base of the audio accessory system, as the stand 11 lacks any plug-in device to communicate with the electronic device (the monitor 10).

Thus, even if the combination of and modification of Yu and Meisner suggested by the Examiner could be made, the resulting audio accessory system still would lack speakers rotatably mounted to a single common backing panel, in turn rotatably mounted to a base unit having at least one plug-in device to communicate with a portable electronic device.

Furthermore, as stated in In re Kotzab, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000): Most if not all inventions arise from a combination of old elements. Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant [citations omitted].

Moreover, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See

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also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

The examiner alleges that it would have been obvious to a person of ordinary skill in the art to use the speaker placement of Meisner with the system of Yu to automatically turn the speakers toward the user when the screen is turned. First, it is not clear what does “automatically turn the speakers” mean. The speakers in both Yu and Meisner are turned and positionally adjusted manually by the user. Second, the speakers 15, 15A of the system of Yu already can be turned and positionally adjusted. Thus, the motivation of combining the teachings of Yu and Meisner “to automatically turn the speakers toward the user when the screen is turned” is not persuasive. In other words, the prior art provides no motivation or suggestion of the desirability of combining teachings of Yu and Meisner.

Therefore, the rejection of claim 1 under 35 U.S.C. 103(a) over Yu and Meisner is improper.

Regarding claim 15: All the above arguments regarding the patentability of claim 1, are equally applicable to claim 15. In addition, the prior art fails to disclose the speaker system having an installed locking position and a stored locking position, and at least two pass-through ports wherein similar or identical electronic devices or auxiliary accessories can be attached.

Contrary to the present invention, as recited in claim 3, the input and speaker output terminals on the amplifier 13 of Yu are provided for connecting the speakers 15 and 15A to the amplifier 13, but similar or identical electronic devices or auxiliary accessories cannot be

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attached thereto. Moreover, the erroneously examiner alleges that the system (i.e. the multimedia personal compute) of Yu an installed locking position (full forward) and a stored locking position (full backward). Clearly, those skilled in the art would realize that the multimedia personal computer of Yu, being the desktop computer, any installed or stored locking positions. The full forward or full backward positions of the multimedia personal computer of Yu are merely different adjustable positions. Moreover, Yu lacks any disclosure of the stored locking position of the multimedia personal computer or any of its components.

Thus, the rejection of claim 15 under 35 U.S.C. 103(a) over Yu and Meisner is improper.

Claims 2-14 and 16-24 depend upon the base claims 1 and 15, respectively, and introduce additional limitations further defining the present invention over the prior art.

Further Regarding claim 3: In addition to the above arguments regarding the patentability of claim 1, Yu fails to disclose at least one pass-through port to facilitate communication between the portable electronic device and an auxiliary accessory while the audio accessory is connected to the portable electronic device. Contrary to the present invention, as recited in claim 3, the input and speaker output terminals on the amplifier 13 of Yu are provided for connecting the speakers 15 and 15A to the amplifier 13, but cannot provide communication between the amplifier 13 and a separate auxiliary accessory. Thus, the rejection of claim 3 under 35 U.S.C. 103(a) over Yu and Meisner is improper.

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Further Regarding claims 5 and 16: In addition to the above arguments regarding the patentability of claims 1 and 15, Yu fails to disclose the speakers have an extreme vertical position that is perpendicular to the backing panel, and an extreme lateral position that is axially aligned with the backing panel. Contrary to the examiner's allegations, the speakers of Yu cannot be placed in the extreme lateral position (90 degrees from figure 8) that is axially aligned with the amplifier 13. As clearly illustrated in Figs. 9A, the rotation of the speaker 15 is restricted to the angle of 15° in the vertical direction by the arm 27. Thus, the speakers of Yu cannot be placed in the extreme lateral position (90 degrees from figure 8) that is axially aligned with the amplifier 13.

Further Regarding claims 8 and 20: In addition to the above arguments regarding the patentability of claims 1 and 15, Yu fails to disclose the arrangement wherein the system is changed from the installed position to the stored position by rotating the speakers and the backing panel in excess of one hundred eighty degrees. The examiner concedes that Yu fails to disclose a range of motion of greater than one hundred eighty degrees. However, the examiner alleges that it would have been obvious to have frame 22 of Yu have recesses 23 that allow for greater range of motion in order to allow for a greater number of possibilities in speaker and listener positions. The examiner's alleged motivation is not convincing, as being the desktop computer, the monitor 11 of the multimedia personal computer of Yu is always in front of the user on the work desk, and thus the user needs only limited adjustability of the speakers 15, 15A.

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Further Regarding claims 12 and 19: In addition to the above arguments regarding the patentability of claims 1 and 15, Yu fails to disclose the speakers and the backing panel disposed underneath the portable electronic device in the stored position. The examiner concedes that the prior art fails to disclose this particular limitation of claim 12. However, the examiner takes official notice that it is general knowledge that people may place items on top of video monitors for unit placement. The motivation would have been to save space or to save time in unit placement. Opposite to the examiner's official notice, claim 12 recites the speakers and the backing panel disposed underneath the portable electronic device, not on top of video monitors. Moreover, while generally agreeing with the examiner that people may place items on top of video monitors for unit placement, applicant is not aware of folding the speakers over the top of video monitors in the stored position.

Further Regarding claims 13 and 23: In addition to the above arguments regarding the patentability of claims 12 and 15, Yu fails to disclose the speakers that rotate in a plane perpendicular to a plane of rotation of the base unit. The examiner alleges that Yu discloses wherein said speakers rotate in a plane perpendicular (vertical) to the base unit plane of rotation (horizontal). However, the amplifier 13 of Yu (interpreted by the examiner as the base unit) is not rotatable, thus has no plane of rotation. Thus, the rejection of claim 13 under 35 U.S.C. 103(a) over Yu and Meisner is improper.

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Further Regarding claims 14 and 24: In addition to the above arguments regarding the patentability of claims 1 and 15, Yu fails to disclose locking tabs on the base unit for engaging the portable electronic device to ensure that the system remains connected to the portable electronic device.

The examiner concedes that the prior art fails to disclose this particular limitation of claim 14. However, the examiner alleges it would have been obvious to one of ordinary skill in the art to further comprise locking tabs on the base unit, the tabs engaging the portable electronic device to ensure that said system remains connected to the portable electronic device. The examiner further alleges that the motivation to do so would have been to protect the units from damage and insure the unit does not get disconnected. To follow the examiner's line of reasoning, the amplifier 13 of Yu (interpreted by the examiner as the base unit) should have the locking tabs to engage the keyboard 10 (to protect from damage and insure the keyboard does not get disconnected).

Thus, the examiner's alleged motivation is not convincing, as being the desktop computer (not portable), the amplifier 13 of the multimedia personal computer of Yu is securely disposed on the work desk does not need locking tabs to "protect the units from damage and insure the unit does not get disconnected", and "to ensure that said system remains connected to said portable electronic device."

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It is respectfully submitted that claims 1-24 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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